



Oregon

Theodore R. Kulongoski, Governor



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June 5, 2003

Mr. Michael S. Collins
HSW EIS Document Manager
Richland Operations Office
U.S. Department of Energy, A6-38
P.O. Box 550
Richland, WA 99352-0550

Dear Mr. Collins:

1

Thank you for the opportunity to comment on the Revised Draft Hanford Solid Waste EIS (HSW-EIS, DOE/EIS-0286D, March 2003). Thank you, also, for recognizing the high degree of interest Oregon citizens have about Hanford issues by conducting seven public meetings in Oregon. We appreciate the 15 day extension of the comment period, which we had requested and which also was requested by Oregon Senators Gordon Smith and Ron Wyden.

2

The actions proposed in the HSW-EIS could potentially have significant impacts on the State of Oregon and its citizens. Past activities at Hanford have already resulted in significant contamination of the groundwater and vadose zone. The effects on the Columbia River from this contamination have not been fully determined. Further disposal of wastes at Hanford must not exacerbate the situation and cause increased contamination of the river.

62

In addition, Oregon is the primary transportation corridor for waste coming to and leaving the Hanford Site. As many as 33,000 shipments of waste could travel across Oregon under actions proposed in the HSW-EIS. The U.S. Department of Energy (DOE) must continue to work closely with Oregon to ensure the safe transport of these radioactive materials as they travel through the state.

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Clearly, Oregon has much at stake in the decisions being proposed. Before we can endorse – or at least acquiesce to the actions being proposed – we must be reasonably certain that the analyses demonstrates that these actions will not have detrimental impacts on the Columbia River, the down-river environs, or along the transportation corridors.

Oregon finds the revised HSW-EIS a significant improvement to the previous draft document. Many of the comments we submitted in August 2002 were sufficiently addressed in the revised document.

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- 4 | However, the HSW-EIS still contains significant deficiencies in scope and detail – significant enough that we believe the document cannot support a Record of Decision. Oregon is concerned that critically important assessments of human health and ecological effects are based upon incomplete analyses. National Environmental Policy Act (NEPA) guidance says an EIS must examine the impacts of proposed actions – in this case, the impacts of additional waste disposal at Hanford – in order to demonstrate there will be no major adverse environmental impacts from the proposed actions. Otherwise, other proposed alternatives must be developed. The analyses and information provided are not sufficient to know whether the proposed actions meet this test.
- 63 |

As such, we recommend a Record of Decision for the disposal of radioactive waste at Hanford not be issued until the two following actions take place:

- 5 |
1. Complete additional analyses in the HSW-EIS as outlined in this letter and attached detailed comments, and
 2. Complete the Tanks Retrieval and Closure EIS and assess its impacts on the HSW-EIS.

We find the HSW-EIS deficient in the following areas:

- 7 |
- In our August 15, 2002 comment letter, we reiterated a concern about a piecemeal approach to decision-making on Hanford cleanup issues. We asked DOE to address the Council on Environmental Quality (CEQ) regulations to address “connected actions” to prevent minimizing potential environmental consequences by segmenting actions. We further asked DOE to list the analyses deferred by the Waste Management Programmatic Environmental Impact Statement (PEIS) – which selected Hanford as a receiving site for waste from other DOE sites – to the draft HSW-EIS. The draft HSW-EIS fails to do either. The revised draft HSW-EIS creates a kind of circular logic that refers the PEIS to the HSW-EIS and the HSW-EIS back to the PEIS, making a comprehensive analysis impossible.
- 8 |
- The HSW-EIS does not take a comprehensive look at all the Hanford origin waste that is now and will continue to impact the Hanford environs. The HSW-EIS excludes from analysis any residual tank waste following cleanup of the Hanford tanks (tank heels), leaked waste from the tanks, waste in the PUREX tunnels, and other pertinent wastes. DOE is obligated under the CEQ regulations to include impacts from these wastes in the HSW-EIS. In addition, DOE indicates that future site-wide or project level NEPA reviews will be necessary. These additional analyses should be conducted now, as a part of the HSW-EIS, so that we can fully determine the impacts of all waste activities at Hanford.
- 9 |
- DOE’s own “best case” scenarios show unacceptable future risk when analyzing effects of Hanford’s current inventory of waste, not even considering the effects of disposal of additional off-site waste.

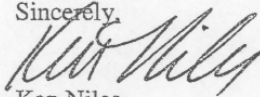
- 10 • The HSW-EIS makes two assumptions regarding the analysis of tank waste disposal that are vulnerable to invalidation, making the entire tank waste analysis subject to the same vulnerability. The first of these assumptions is that the Waste Incidental to Reprocessing provisions of DOE Order 435.1 will be upheld in the current litigation on this subject. The second assumption is that all the low activity tank waste will be immobilized as borosilicate glass. We already know from DOE's own documents that this will not be the case as DOE is exploring three supplemental waste forms. The HSW-EIS must contain at least a bounding analysis of these supplemental forms of waste treatment. DOE also needs to explicitly acknowledge the vulnerability of both assumptions and discuss the actions that will be taken if either or both of these assumptions are invalidated.
- 11 • Analyses of impacts from the spread of contaminants were conducted at a distance from the waste sites. This action gives the appearance of reduced risk and is contradictory to regulatory guidance and statutes. Therefore, the analyses of risk in the HSW-EIS is likely inaccurate.

12 In addition to these specific deficiencies, we strongly disagree with DOE's intent to knowingly re-contaminate groundwater as new burial sites eventually leach radioactive and hazardous contaminants into the vadose zone and groundwater. Future contamination of groundwater is planned and apparently considered acceptable. In effect, groundwater under Hanford is written off in perpetuity. Detrimental impacts on the health of the Columbia River are likely under this scenario. Planned re-contamination of the groundwater is simply unacceptable.

In summary, there is much more information that must be analyzed for the HSW-EIS. And it must, as required by 40CFR 1508.25(a)(1), be considered in a connected action risk analysis with the Tank Waste EIS. The HSW-EIS must be held open until the full risks from actions proposed under both the HSW-EIS and the Tank Retrieval and Closure EIS are analyzed.

Our specific, detailed comments on the HSW-EIS are attached to this letter.

Sincerely,



Ken Niles
Assistant Director

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c.c. Senator Gordon Smith
Senator Ron Wyden
Representative Earl Blumenauer
Representative David Wu
Representative Greg Walden
Representative Peter DeFazio
Representative Darlene Hooley
David Van'tHof, Governor's Natural Resource Policy Advisor
Mike Wilson, Washington Department of Ecology
Nick Ceto, U.S. Environmental Protection Agency
Armand Minthorn, Confederated Tribes of the Umatilla Indian Reservation
Russell Jim, Yakama Nation
Patrick Sobotta, Nez Perce Tribe
Shelley Cimon, Chair, Oregon Hanford Waste Board
Todd Martin, Chair, Hanford Advisory Board